



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/714,624 | 11/18/2003 | David Stinson | 049377.0005/cjg | 3237 |
| 33797 | 7590 | 01/09/2008 | | |
| MILLER THOMPSON, LLP Scotia Plaza 40 King Street West, Suite 5800 TORONTO, ON M5H 3S1 CANADA | | | EXAMINER PRICE, CRAIG JAMES | |
| | | | ART UNIT 3753 | PAPER NUMBER |
| | | | MAIL DATE 01/09/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

88

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/714,624 | STINSON, DAVID | |
| | Examiner | Art Unit | |
| | Craig Price | 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6-9 and 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2 and 10 -17 have been cancelled.

Regarding claims 3, 4, 6 – 9 these claims have been withdrawn as being drawn to a cancelled claim.

Election/Restrictions

2. Applicant's election without traverse of Group I, Claims 1-9 in the reply filed on 13 April 2006 was acknowledged.

Claims 10-17 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention Group II, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 13 April 2006.

3. Newly added claims 21-27 are drawn to the previously non-elected invention of Group II, and therefore are hereby withdrawn from consideration.

Newly submitted claims 21 – 27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are drawn to a regulator for healthcare applications classified in class 604, subclass 119.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rabizadeh (5,606,123).

Regarding claim 1, Rabizadeh discloses a digital pressure display comprising, sensor means for sensing the pressure (124), microprocessor means to intermittently enable the sensor means to sense the pressure and generate a signal (146), and power means (136) for generating a digital pressure reading as shown in Figures 6 and 11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabizadeh (5,606,123) in view of Salmond (5,032,287).

Rabizadeh has disclosed all of the features of the claimed invention except that the digital pressure display further includes a light sensor for sensing a dark condition so as to terminate the generation of the digital pressure reading during the dark condition.

Salmond discloses a fluid system, which utilizes an ambient sensor, which further includes a light sensor for sensing a dark condition (Col. 3, Lns. 28-34) so as to terminate the generation of the digital pressure reading during the dark condition (the term "so as to", is considered as an intended state of use).

In view of the Salmond patent, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize Salmond's light sensor to have a light sensor for sensing a dark condition in order to optimize power consumption.

7. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (6,171,104) in view of Rabizadeh (5,606,123).

Saito et al. discloses a manual valve 36 and pressure sensor 35, and the controller 40 serves to provide the sampling circuit operable intermittently to sample the pressure sensor.

Saito et al. is silent in providing a visible digital pressure display.

Rabizadeh discloses a pressure monitoring device which teaches the use of a visual digital display 132.

It would have been obvious to one of ordinary skill in the art at the time of invention to employ the digital display of Rabizadeh into the system of Saito et al. in order to manually indicate to an operator the pressure of the system.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (6,171,104) and Rabizadeh (5,606,123) and further in view of Gauthier (6,007,330).

Saito et al. and Rabizadeh are silent to providing the alarm in the event of a no-pressure vacuum level.

Gauthier discloses a fluid control system for a semiconductor manufacturing process which teaches the use of vacuum pressure alarm (Col.6, Lns. 21 – 34).

It would have been obvious to one of ordinary skill in the art at the time of invention to employ the alarm of Gauthier into the system of Saito et al. and Rabizadeh in order to instruct the operator to regenerate the trap (Col.6, Lns. 28 – 32).

Response to Arguments

9. Applicant's arguments filed 8/2/2006 have been fully considered but they are not persuasive. The microprocessor of Rabizadeh scans the software program at a certain rate (for example, 1 millisecond) to review all of the instructions which are supposed to occur, therefor when the time comes to perform an operation in regards to the sensor, the microprocessor at that time (a certain millisecond in the timeline of performing operations) enables the sensor to function as required by the program, therefor the microprocessor has intermittently enabled the sensor to sense a pressure.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Application/Control Number:
10/714,624
Art Unit: 3753

Page 6

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP



4 January 2008


JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 347